

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

**PURDUE PHARMA L.P., THE P.F.
LABORATORIES, INC., PURDUE
PHARMACEUTICALS L.P., AND RHODES
TECHNOLOGIES,**
Plaintiffs-Appellants,

v.

EPIC PHARMA, LLC,
Defendant-Appellee.

2014-1294

Appeal from the United States District Court for the
Southern District of New York in No. 1:13-cv-00683-SHS,
Judge Sidney H. Stein.

**PURDUE PHARMA L.P., THE P.F.
LABORATORIES, INC., PURDUE
PHARMACEUTICALS L.P., AND RHODES
TECHNOLOGIES,**
Plaintiffs-Appellants,

v.

MYLAN PHARMACEUTICALS INC. AND MYLAN

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PURDUE PHARMA L.P. v. EPIC PHARMA, LLC

INC.,
Defendants-Appellees.

2014-1296

Appeal from the United States District Court for the
Southern District of New York in No. 1:12-cv-02959-SHS,
Judge Sidney H. Stein.

**PURDUE PHARMA L.P., THE P.F.
LABORATORIES, INC., PURDUE
PHARMACEUTICALS L.P., RHODES
TECHNOLOGIES, AND GRUNENTHAL GMBH,**
Plaintiffs-Appellants,

v.

AMNEAL PHARMACEUTICALS, LLC,
Defendant-Appellee.

2014-1306, -1307

Appeals from the United States District Court for the
Southern District of New York in No. 1:11-cv-08153-SHS,
Judge Sidney H. Stein.

**GRUNENTHAL GMBH, PURDUE PHARMA L.P.,
THE P.F. LABORATORIES, INC., PURDUE
PHARMACEUTICALS L.P., AND RHODES
TECHNOLOGIES,**

PURDUE PHARMA L.P. v. EPIC PHARMA, LLC

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Plaintiffs-Appellants,

v.

TEVA PHARMACEUTICALS USA, INC.,
Defendant-Appellee.

2014-1311, -1312, -1313, -1314

Appeals from the United States District Court for the Southern District of New York in Nos. 1:12-cv-02037-SHS and 1:12-cv-05083-SHS, Judge Sidney H. Stein.

ON MOTION

Before MOORE, *Circuit Judge.*

O R D E R

Teva Pharmaceuticals USA, Inc. moves to dismiss, arguing that a settlement agreement between itself and Purdue Pharma L.P. et al. (“Purdue”) moots Appeal Nos. 2014-1311, -1312, and -1313. Purdue opposes. Teva replies. Purdue moves for leave to file a surreply. Mylan Pharmaceuticals Inc. and Mylan Inc. move to compel production of the settlement agreement. Teva and Purdue oppose the motion.

On January 7, 2015, this court ordered transmittal of a copy of the settlement agreement to the merits panel assigned to the case for purposes of evaluating any jurisdictional concerns.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) Teva's motion to dismiss and Purdue's motion for leave to file a surreply are deferred for consideration by the merits panel assigned to the case. A copy of this order and the motion papers shall be transmitted to the merits panel.

(2) Mylan's motion to compel is denied.

(3) The stay of the briefing schedule is lifted. The response briefs are due within 30 days from the date of filing of this order.

FOR THE COURT

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk of Court